

*Hercules Regulator Laxative and Diuretic Tea*. Misbranding, Section 502 (a), certain statements on the label of the article and in the above-mentioned booklet accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for biliousness, loss of appetite, sleeplessness, headache, dizziness, and torpidity, and for preventing anemia, nervous breakdown, rheumatism, liver and kidney troubles, ulcers, Bright's disease, diabetes, and gallstones. The article would not be an adequate and effective treatment for such conditions and purposes.

The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

**4397. Misbranding of Special Herb Formula and Wildunger Brand herb tea.**

U. S. v. 2 Drums, etc. (F. D. C. No. 36367. Sample Nos. 54293-L to 54296-L, incl.)

LABEL FILED: February 2, 1954, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 3 and October 22, 1953, from Jersey City, N. J.

PRODUCT: 2 100-pound drums, 1 90-pound drum, and 4 pounds of *Special Herb Formula*, and 18 cartons of the *Special Herb Formula* repackaged from the bulk drums under the name of *Wildunger Brand herb tea* at Detroit, Mich., in possession of the Botanical Mail-Order House, together with a number of loose labels for application to the cartons as repacked; a number of empty cellophane envelopes labeled, in part, "Sample Trial Size (Makes One Quart) Wildunger Brand Herb Tea: A Stimulant Diuretic," which envelopes were for use in distributing free samples of the product; a number of form letters identified as "Dear Friend: At your request," "Dear Friend: At the request of one of your," "Dear Friend: Your order for Wildunger," "Dear Friend: Some time ago we mailed you a sample of our famous Wildunger Brand Herb Tea," and "Gentlemen: Please accept with our compliments"; a number of leaflets identified as "Gutachten Werte Herren," "Gutachten Liebe Freunde," "This Is It," and "Wildunger Brand Herb Tea Is Here At Last"; and a number of folders entitled "Wildunger Brand Herb Tea A Stimulant Diuretic."

RESULTS OF INVESTIGATION: The repackaging of the product was done by the consignee. Some of the above-mentioned form letters, leaflets, and folders were printed locally for the consignee, and some were mimeographed by the consignee at his place of business.

LABEL, IN PART: (Drum) "Cut & Sifted Hoffmann's Special Herb Formula #141 Revised"; (carton) "Wildunger Brand Herb Tea A Stimulant Diuretic Wildunger 'Brand' Herb Tea is prepared by a special process and contains the following ingredients: Bean Shells, Corn Silk, Birch Leaves, Bearberry Leaves, Shave Grass, Buchu Leaves, Licorice Root, Anise Seed, Peppermint Leaves. 6½ Oz. Approx. Weight \* \* \* Prepared For and Distributed By Botanical Mail-Order House Detroit 19, Michigan."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the above-mentioned carton labels, cellophane envelopes, form letters, leaflets, and folders accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for metabolic disorders, kidney disorders, bladder disorders, conditions which manifest themselves by abnormal urine, excessive thirst,

hunger, or fatigue, nervousness, rheumatism, urinary disorders, swelling of the ankles, gout, diabetes, gallstones, liver trouble, bed wetting, colds, bronchial congestion, and chills. The article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 14, 1954. Default decree of condemnation and destruction.

4398. Misbranding of C-Tone. U. S. v. 13 Bottles, etc. (F. D. C. No. 36470. Sample No. 46084-L.)

**LABEL FILED:** March 30, 1954, District of Rhode Island.

**ALLEGED SHIPMENT:** The product was shipped on or about January 13 and February 24, 1954, by Balanced Foods, Inc., from New York, N. Y., and a number of circulars were shipped on or about September 13, 1953, from Thrush Press, Inc., from New York, N. Y.

**PRODUCT:** 13 bottles of *C-Tone* at Providence, R. I., together with a number of circulars entitled "Which Of These Dread Killers Threaten Your Advancing Years?"

**LABEL, IN PART:** (Bottle) "*C-Tone* The Natural Vitamin C Tonic A splendid aid in quickly correcting conditions caused by deficiency of Vitamin C in the diet. This natural concentrate also supplies other essential nutritional factors as well as generous amounts of Pectin. Four tablespoons furnish: Natural Vitamin C 250 mg. 8 MDR Natural Rutin (Vitamin P Complex) 5 mg.\* Natural Vitamin K 1 mg.\* Natural Niacin 0.08 mg.\*\* Natural Pectin (Protopectins incl.) 500 mg.\* Natural Citric Acid 57 mg.\* Natural Chlorophyll 0.01 mg.\* and small amount of natural Vitamin B<sub>1</sub> and B<sub>2</sub>, Calcium and Phosphorous in a vegetable extract base rich in activated enzymes.

MDR—Minimum Daily Requirement

\*Need in human nutrition not established

\*\*Minimum Daily Requirement not established

8 Fl. Oz. Net \* \* \* Sale and Exclusive Distributors Byrne Products, Inc. New York 7, N. Y."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements on the bottle label "*Vitamin C Tonic*" and "rich in activated enzymes" were false and misleading since they represented and suggested that the article was of nutritional and therapeutic value because of its enzyme content and that it was effective as a tonic, whereas the article was of no value because of its enzyme content and was not a tonic.

Further misbranding, Section 502 (a), certain statements in the above-mentioned circular accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for high blood pressure, hardening of the arteries, ulcerative colitis, fading strength, nervous exhaustion, failing memory, cerebral rupture, valvular disease of the heart, pulmonary tuberculosis, general weakness, fatigue, headaches, and dizzy spells, and that it was effective to provide energy and improve digestion. The article was not an adequate and effective treatment for such conditions, and it was not capable of fulfilling the promise of benefit made for it.

DISPOSITION: April 28, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution and that the circulars be destroyed.